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 11 DELPHON INDUSTRIES, LLC dba GEL-PAK, JEANNE BEACHAM,  
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12  
 13 UNITED STATES DISTRICT COURT  
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

16 DELPHON INDUSTRIES, LLC dba GEL-PAK, a  
 17 Delaware limited liability company,

18 Plaintiff,

19 v.

20 INTERNATIONAL TEST SOLUTIONS, INC., a  
 21 Nevada corporation; INTERNATIONAL TEST  
 22 SOLUTIONS, INC., a California corporation;  
 23 JOYCE FREEZE, an individual; and ALAN E.  
 24 HUMPHREY, an individual,

25 Defendants.

26 AND RELATED CROSS-ACTION

27 Case No. CV-11-01338 PSG

28 **STIPULATION AND XXXXXXXXXXXX ORDER  
 TO EXTEND TIME TO COMPLETE  
 MEDIATION SESSION**

Judge: Hon. Paul S. Grewal,  
 United States Magistrate Judge

29 WHEREAS, pursuant to this Court's order dated June 23, 2011, the parties to this action were  
 30 ordered to complete a mediation session with mediator Kenneth Wilson no later than September 21,  
 31 2011;

32 WHEREAS, counsel for the parties have discussed the structure of the mediation session with  
 33 Mr. Wilson and have agreed to participate in an "evaluative mediation" which will likely involve  
 34 more extensive briefing and a greater commitment of time by the mediator than would generally be

1 required for a traditional mediation session;

2 WHEREAS, counsel are currently working with Mr. Wilson on the logistics of the evaluative  
3 mediation session, including a date for the mediation;

4 WHEREAS, Mr. Wilson has suggested and the parties agree that the current deadline to  
5 complete the mediation should be extended to allow the parties and the mediator sufficient time to  
6 prepare for, participate in and complete the evaluative mediation session;

7 THEREFORE, pursuant to ADR Local Rule 6-5(a) and Civil Local Rule 7-2 the parties  
8 stipulate and agree that, without prejudice to or waiver of any of their respective claims, defenses, or  
9 positions that:

10 1. The deadline to complete a mediation session in this matter be extended from  
11 September 21, 2011 to November 21, 2011.

12 Dated: September 7, 2011

NIXON PEABODY LLP

14 By /s/ LISA A. COLE  
15 GREGORY P. O'HARA  
16 LISA A. COLE  
17 TALLEY M. HENRY  
18 Attorneys for Plaintiff and Counter-Defendants  
19 DELPHON INDUSTRIES, LLC dba GEL-PAK,  
20 JEANNE BEACHAM, DARBY DAVIS AND  
21 SANCHO ADAM

22 Dated: September 7, 2011

KERR IP GROUP, LLC

23 By /s/ MARIE MARTIN KERR  
24 MARIE MARTIN KERR  
25 Attorneys for Defendant  
26 INTERNATIONAL TEST SOLUTIONS, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATE: September 14, 2011

  
PAUL S. GREWAL,  
United States Magistrate Judge

1                   GENERAL ORDER 45 CERTIFICATION  
2

3                   I, Lisa A. Cole, hereby attest pursuant to N.D. Cal. General Order No. 45 that the concurrence  
4 to the filing of this document has been obtained from each signatory hereto.  
5  
6

Dated: September 7, 2011

NIXON PEABODY LLP

8                   By /s/ LISA A. COLE  
9                   GREGORY P. O'HARA  
10                  LISA A. COLE  
11                  TALLEY M. HENRY  
12                  Attorneys for Plaintiff and Counter-Defendants  
13                  DELPHON INDUSTRIES, LLC dba GEL-PAK,  
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15                  SANCHO ADAM  
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